

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**PHU DUC NGUYEN,  
Petitioner,**

v.

**WILLIAM LOVE, THE DISTRICT  
ATTORNEY OF THE COUNTY OF  
PHILADELPHIA AND THE ATTORNEY  
GENERAL OF THE STATE OF  
PENNSYLVANIA,  
Defendants.**

**CIVIL ACTION**

**NO. 04-1665**

**O R D E R**

AND NOW, this 8<sup>th</sup> day of June, 2023, upon consideration of the Petitioner's Motion for Rule 60(b)(6) Relief, the Commonwealth's Response thereto, Petitioner's Traverse, the other documents filed by the parties, and after review of the Report and Recommendation of United States Magistrate Judge Carol Sandra Moore Wells and Petitioner having filed no timely objections thereto, it is hereby **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. The Rule 60(b)(6) Motion is **DENIED**, without an evidentiary hearing; and
3. Petitioner has neither shown denial of a federal constitutional right, nor

established that reasonable jurists would disagree with this court's procedural disposition of his claims. Consequently, a certificate of appealability is **DENIED**.

**IT IS SO ORDERED.**

**BY THE COURT:**

/s/Wendy Beetlestone, J.

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**WENDY BEETLESTONE, J.**